

RemarksIntroduction

Applicants have cancelled claims 1-7, and added new claims 8-12.

New independent claim 8 recites a sharps disposal assembly having the following features:

- A receptacle having a top surface
- an unwinder opening in the surface, the unwinder opening comprising:
 - o a recess bounded by a first vertical wall circumscribing a horizontal platform,
 - o said platform connecting to a second vertical wall projecting downwardly from said platform and circumscribing a horizontal shelf,
 - o said shelf connecting to a third vertical wall extending downward from the horizontal shelf,
 - o wherein said second wall has a width matching the length of a nose portion of a tube holder

Dependent claims 9-12 recite various features of this assembly.

Claim 8 is identical to (cancelled) claim 11 of the parent application, with the addition of a recitation that the third vertical wall extends downward from the horizontal shelf. In the final Office Action in the parent application, claim 11 was rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,273,161 to Sagstetter. Sagstetter does not anticipate nor render obvious present claim 8.

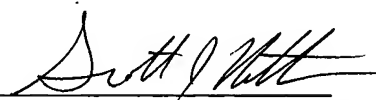
Specifically, the vertical wall 54 in Fig. 7 of Sagstetter extends up from the horizontal shelf. See also Col. 5, line 45. Thus Sagstetter does not disclose nor suggest the claimed configuration of the third vertical wall. Nor does the reference disclose a second wall having a width matching the length of a nose portion of a holder.

For these reasons claims 8-12 are patentable over Sagstetter.

If there are any additional fees related to this Amendment, such fees should be charged to Deposit Account No. 02-1666.

Respectfully submitted,

Christopher Bickel
Gregory Reimer
John Macarell

By: 
Scott J. Rittman, Attorney
Reg. No. 39,010
201-847-6356

Date: Nov 18, 2003

Becton, Dickinson & Company
1 Becton Drive, MC 089
Franklin Lakes, New Jersey 07417-1880
Doc#72285